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HOUSE BILL 2990

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Wallace, Dunn, and Ormsby

Read first time 01/21/08. Referred to Committee on Judiciary.

1            AN ACT Relating to authorizing minor siblings to petition for  
2 visitation with each other; and adding a new section to chapter 26.09  
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 26.09 RCW  
6 to read as follows:

7            (1) A minor child may petition the court for visitation with his or  
8 her minor sibling residing in a separate household. Except as provided  
9 in subsection (2) of this section, this section applies to a minor  
10 child, whether there is or was a dissolution, legal separation,  
11 modification of a parenting plan, or other court proceeding involving  
12 either the petitioning child or the sibling with whom visitation is  
13 sought.

14            (2) This section does not apply to children who are subjects of  
15 shelter care or dependency proceedings or otherwise in the custody of  
16 the state under Title 13 RCW, chapter 26.44 RCW, or any other provision  
17 of law.

18            (3) The minor child's parent, guardian, custodian, or other  
19 advocate may bring a petition on behalf of the minor child.

1 (4) The court shall order visitation if it finds that visitation is  
2 in the minor child's and the sibling's best interests. In making this  
3 determination, the court shall consider the following, nonexclusive  
4 factors:

5 (a) The love, affection, and strength of the relationship between  
6 the siblings;

7 (b) The length and quality of the relationship between the  
8 siblings;

9 (c) The relationship between each of the child's parents,  
10 guardians, custodians, or other persons with whom the children are  
11 residing;

12 (d) The nature and reason for the respondent's objection, if any,  
13 to sibling visitation;

14 (e) The effect that granting visitation will have on the  
15 relationship between the siblings and the parents or persons with whom  
16 the siblings are residing;

17 (f) The residential time-sharing arrangements between the parents  
18 and siblings;

19 (g) The good faith of the minor child petitioning; and

20 (h) Any other factor relevant to the child's best interest.

21 (5) The court shall not award visitation if there has been any  
22 physical, emotional, or sexual abuse caused by either sibling to each  
23 other, any other sibling, or any other minor child. The court shall  
24 consider whether any person with whom either sibling resides would be  
25 subject to limitations under RCW 26.10.160.

26 (6) When ordering visitation, the court shall consider how  
27 visitation will be conducted, in light of the relationship between the  
28 persons with whom the siblings reside, and may order visitation  
29 arrangements that include supervised visitation or visitation between  
30 siblings in locations other than one sibling's household.

31 (7) For the purposes of this section, "sibling" includes siblings  
32 related by blood or adoption and stepsiblings.

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